

NUMBER: 111	SUPERSEDES: 515	EFFECTIVE DATE: 10/17/2017	PAGE NO. 1 of 6
SUBJECT: Use of Force		APPROVED BY: Michael J Heal	
NMLEA STANDARDS: ADM.05.01 ADM.05.02 ADM.05.03 ADM.05.04			

**PURPOSE:** No two incidents are exactly alike; this policy cannot and does not specify in great detail every action that should be taken in each incident. An officer's response to resistance varies greatly depending on the circumstances and facts surrounding that incident. This policy is to provide personnel with guidance and the legal parameters in applying objectively reasonable force.

**POLICY:** It is the policy of the Aztec Police Department that officers are authorized to use force, both deadly and non-deadly, which is objectively reasonable to control a situation, effect an arrest, overcome resistance to arrest or to defend themselves or others from harm. The Aztec Police Department officers are authorized to exercise the use of force but in an objectively reasonable manner and in a way that does not violate the civil rights guaranteed by the Constitution, and all other applicable law.

## **PROCEDURE:**

### **1. Definitions**

- a. Force- The use of physical power or violence to compel or restrain; with or without a weapon
- b. Control- Force which is used to seize, arrest, stop and/or avoid injury or death
- c. Resistance- Force used to oppose, defeat, attack and/or avoid arrest or apprehension
- d. Deadly Force- Any use of force that is likely to cause death or serious physical injury
- e. Non-Deadly Force- Any use of force, with or without a weapon, that is not reasonably expected to cause great bodily injury or death
- f. Objectively Reasonable Force- A legal standard which is used to determine the lawfulness of a use of force in regards to the Fourth Amendment of the U.S. Constitution. In determining the necessity of force or the amount of force that is appropriate, officers shall evaluate each incident with these in mind: the severity of the crime at the time the force is used, the level of resistance which is presented by the subject, the risk or apparent attempt by the subject to escape, and/or whether the subject was posing an immediate threat to the officer and/or others.
  - i. In *Graham v. Connor*, 490 U.S. 386 (1989); Graham states in part, "the force must be reasonable under the circumstances known to the officer at the time the force was used"
- g. Immediate Threat- An officer's reasonable belief of impending danger, death, or great bodily harm from any action or result of an action that may occur during an encounter. A subject may pose an immediate threat even if he or she is not pointing a weapon at an officer or another but has, for example, a weapon within reach and is running for cover carrying a weapon, or running for a place where the officer reasonably believes a weapon is available.

- h. Reasonable Belief- A belief, based on specific and articulable facts which, taken together with the rational conclusions from those facts, reasonably warrant an officer's actions
- i. Great Bodily Harm- Any injury which creates a high probability of death; or which causes serious disfigurement; or which results in permanent or protracted loss or impairment of the function of any member or organ of the body
- j. Force Tools- Any Aztec Police Department issued and/or approved non-deadly device. This may include, but is not limited to, conducted electrical weapons (Taser), oleoresin capsicum (OC), etc.
- k. Physical Technique- Any hand-to-hand technique used to control a subject. This includes, but is not limited to: grabbing, pulling, punching, pushing, kicking, etc.
- l. De-Escalation- A decrease in the amount of control used within an incident in response to a decrease in the amount of resistance posed by the subject
- m. Officer- All sworn Aztec Police Department personnel, regardless of rank, who are acting in their official capacity for the Aztec Police Department

## 2. General

- a. Whenever practical, officers will use commands (warnings, verbal communication) to gain compliance. Officer should allow for a reasonable opportunity for compliance from the subject(s) before resorting to force; unless in situations in which split-second decisions have to be made. In those situations officers should reasonably believe that issuing a command or warning would place the safety of themselves or others in danger.
  - i. When possible, officers should use sound judgment and tactics to prevent any unnecessary confrontation. This may include, but is not limited to: setting up a perimeter, request for back-up, utilize other agencies, etc.
- b. During the course of duty officers may be required to use force in any situation. In these situations officers will use only the amount of force that is objectively reasonable given the particular facts and circumstances perceived by the officer at the time of the incident to achieve legitimate lawful objectives.
  - i. The reasonableness of a particular use of force incident must be judged from the perspective of a reasonable officer on scene, rather than with 20/20 vision of hindsight.
    - 1. When evaluating reasonableness, consideration must be given to the fact that officers are often forced to make split-decisions based on limited information and in tense, uncertain, and rapidly evolving circumstances.
- c. Some incidents, not in any particular order, in which officers may need to use force are:
  - i. Effect an arrest or prevent the escape from custody of a subject whom the officer reasonably believes has committed an offense

- ii. To defend themselves or others from the use, attempted use or threat of physical force
  - iii. To control a situation and to overcome resistance to a lawful order
  - iv. To assist a licensed physician or psychologist in providing needed medical treatment
  - v. To prevent someone from committing suicide or inflicting great bodily harm upon themselves
  - vi. To neutralize an unlawful assault and defend themselves or others from harm
  - vii. To take subjects into protective custody when authorized by law, such as those who are a danger to themselves or others (pursuant to 43-1-10 NMSA 1978) and/or subjects incapacitated by alcohol (pursuant to 43-2-8 NMSA 1978)
- d. There are multiple factors to consider when determining the appropriate type and amount of force to use in an incident. These factors may include, but are not limited to:
- i. The severity of the crime at issue
  - ii. The level of threat or resistance presented by the subject
  - iii. The availability of other resources
  - iv. Officer vs. subject factors (size, strength, skill level, injury, number of officer vs. number of subjects)
  - v. Environmental factors
  - vi. Whether the subject was posing an immediate threat to the safety of the officer(s) or others
  - vii. The risk or apparent attempt by the subject to escape
  - viii. The training and experience of the officer
  - ix. Any foreseeable risk of secondary injuries
  - x. Any other relevant facts
- e. Law enforcement by nature is a dangerous occupation which requires personnel to put their lives at risk for both the safety of the victims and the citizens. The main goal is to protect lives and maintain safety; officers are not required to retreat from situations and are not required to be exposed to possible physical injury before force is applied.
- i. Force will be de-escalated immediately and proportionately as the subject's resistance decreases. The authorized use of force ends when the resistance ceases and/or the officer has accomplished the purpose necessitating the use of force. There may be times when an officer must apply force to a mechanically restrained (ex. Handcuffed) individual; the

force must be objectively reasonable as consistent with this policy.

1. Force shall never be used to subject an individual to torture, and/or cruel, inhumane, or degrading treatment or punishment.

### 3. Deadly Force

- a. Deadly force may be used when the officer has a reasonable belief that his or her life, or that of another is in immediate danger of death or great bodily harm based on the totality of the circumstances known to the officer at the time that the force is used
- b. Firing a warning shot from a weapon is prohibited
- c. Deadly force may be used to prevent escape when the officer has probable cause to believe that the subject poses a significant threat of death or great bodily harm to the officer or other and a reasonable, non-deadly alternative for apprehension does not exist.
  - i. In these cases, when appropriate, a verbal warning of the use of force should be given by the officer
  - ii. The use of a deadly weapon cannot be used to seize an unarmed, non-dangerous fleeing felon or misdemeanor
- d. Officers may draw and point their firearm at a subject when there is an objectively reasonable determination that the situation may escalate to the point where deadly force would be authorized
  - i. As soon as it is determined that the use of deadly force is not reasonable, the officer will discontinue to point their firearm and may choose to reposition to a low ready or secure/holster their firearm
- e. Officers are trained to generally use their firearms to deploy deadly force, it is recognized that exigent circumstances may develop where it may not be effective, expedient enough, or possible to deploy a firearm.
  - i. In these circumstances where the use of deadly force is objectively reasonable, it will also be considered reasonable to apply that force by whatever means is necessary (such as the use of another weapon, tool, vehicle, or physical technique)
- f. Shotguns and Rifles
  - i. Due to its wide shot dispersion, the shotgun shall only be used when a possibility exists that the officer will be dealing with an armed subject, e.g., armed robbery in progress, searching for armed subjects, answering calls when the complaint has indicated that the subject is armed
  - ii. The Chief of Police may approve the use of shotguns or rifles on raids and stakeouts when they believe that a threat to human life exists
  - iii. Shotguns and rifles shall be encased/mounted and carried in patrol units when not in preparation for use. When the shotgun is not encased/mounted, it shall be carried with the safety on at all times until there is an immediate need to fire the weapon

- iv. Shotguns and rifles shall be removed from vehicles before leaving them at any garage or service department
- v. During regular firearms qualification, each officer shall be required to demonstrate proficiency with the shotgun or rifles, if they are issued to the officer
- vi. The range officer or armor shall develop a shotgun and rifle maintenance schedule; the firearms shall be inspected according to a schedule
- vii. The general rules for the use of firearms above apply

#### **4. Firing Weapons At Or From A Moving Vehicle**

- a. Firing a weapon at a moving or fleeing vehicle is prohibited, except when
  - i. An occupant of the other vehicle is using, or threatening to use, deadly force by a means other than the vehicle
  - ii. A vehicle is operated in a manner deliberately to strike an officer or a citizen and all other reasonable means of defense have been exhausted (or are not present), including moving out of the path of a vehicle and the safety of innocent persons would not be unduly jeopardized by the officer's actions
  - iii. Officers shall not fire at or in the direction of a vehicle that no longer poses an immediate threat
- b. Officers should avoid tactics that could place them in a position where a vehicle could be used against them

#### **5. Force Tools**

- a. Consistent with the law and the Aztec Police Department's policy of using objectively reasonable force, a variety of force tools are issued to sworn personnel for use in those situations where a firearm or physical technique would not be considered a reasonable or safe option
- b. Intentional strikes with a force tool to the subject's head, neck, spine, or groin are prohibited unless the use of deadly force is reasonable. Also, neck restraints, chokeholds, or other similar weaponless control techniques are also prohibited unless the use of deadly force is reasonable

#### **6. Medical Assistance**

- a. Medical assistance will be given and/or obtained as soon as possible for subjects who have sustained injury, expressed any complaint of injury, been exposed to chemical sprays, are suspected of being unconscious or that the officer has reason to believe has been injured as a result of any use of force incident.
  - i. In the event that a subject is injured, officers have a duty and obligation to provide medical treatment as soon as reasonably possible while the subject is in custody

- ii. Officers are not required to render medical aid to injured subjects until a scene has been deemed safe by the officer
- iii. Medical assistance performed by officers should be to the extent that they are trained and equipped
- iv. Any injured subject will be treated with dignity and respect

7. Duty to Intervene

- a. All sworn Aztec Police Department officers, regardless of rank, have a duty to intervene on behalf of a citizen whose constitutional rights are being violated in their presence by another law enforcement officer(s). Sworn personnel present and observing a use of force that they believe is not reasonable, or is inconsistent with this policy will, when in a position to do so, intervene to prevent further use of the unreasonable force.
  - i. Such incidents will be immediately reported to the witnessing employee's supervisor and followed up with a memorandum; a formal investigation will be conducted in all such incidents involving Aztec Police Department employees

8. Excessive Force

- a. Officers who are found to have used excessive or unauthorized force shall be subject to discipline, possible criminal prosecution, and/or civil liability

9. Reporting the Use of Force

- a. All officer which are involved in any use of force incident shall prepare the appropriate department use of force form and document the event in the report narrative or supplement
- b. A supervisor will be immediately notified of any incident involving the use of force meeting the following criteria:
  - i. When the use of force results in death or injury
  - ii. When a citizen complains that an injury has been inflicted

10. Department Response

- a. When a police officer's use of force, or other actions, causes death or serious injury the officer is placed on administrative leave until it is determined by the Chief of Police or designee that the officer is ready to return to duty.
- b. The officer may undergo subsequent evaluations if behavior or performance indicates it would be in the best interest of the officer or the Department
- c. All administrative and criminal investigations will be conducted independently of each other

NUMBER: 219	SUPERSEDES: 501 Dated: 02/05/07	EFFECTIVE DATE: 08/24/2016	PAGE NO. 1 of 7
SUBJECT: Vehicle Pursuit		APPROVED BY: Michael J. Heal	
NMLEA STANDARDS: OPR.01.09			

**PURPOSE:** To establish department written guidelines governing the pursuit of motor vehicles.

**POLICY:** It is the policy of the Aztec Police Department to engage in vehicle pursuits only when an officer has reasonable grounds to believe that the offender presents a clear and immediate threat to the safety of other motorists or the public, which is ongoing and occurred prior to the pursuit beginning, or the offender has committed or is committing a violent felony. Officers should not pursue for traffic offenses. Officers should operate department vehicles exercising due care as protection of life is the paramount goal of the department.

## PROCEDURE

1: DEFINITIONS The following definitions shall apply for the purpose of this policy:

A: PURSUIT – An active attempt by an authorized emergency vehicle to apprehend a suspect who is fleeing or evading apprehension, providing the officer reasonably believes that the suspect is refusing to stop and is a clear and immediate serious threat, or who has committed or is committing a violent felony. Pursuits shall be conducted only with emergency equipment activated.

*An attempt to stop a vehicle that is not fleeing, or attempts to stop a vehicle that is refusing to stop while still obeying traffic control devices and not exceeding the speed limit by more than ten miles per hour is not a pursuit.*

B: EMERGENCY DRIVING: Driving in response to a life-threatening or other serious incident (based on available information) which requires emergency equipment in operation. Emergency responses shall be conducted only with activated emergency equipment.

C: EMERGENCY EQUIPMENT: Emergency flashing lights and an audible siren, as is outlined in (NMSA 66-7-6.C).

D: PRIMARY PURSUIT VEHICLE: The police vehicle operated by the officer initiating the pursuit or another police vehicle which assumes the lead pursuit position.

E: VEHICLES ALLOWED TO ENTER INTO PURSUITS: Only police vehicles that have their emergency equipment activated are allowed to enter into a pursuit. Unmarked detective units are not to engage in motor vehicle pursuits. Vehicles should be mechanically sound or not enter into any pursuit

F: CLEAR AND IMMEDIATE SERIOUS THREAT: For the purpose of this policy is a threat which is present **PRIOR TO** the pursuit and which represents a willful disregard by the occupants of the vehicle of the rights and safety of others which reasonably places the public in imminent danger of great bodily harm or death.

- G: **VIOLENT FELONY:** For the purpose of this policy a violent felony consists of violence or the threat of violence to another person, or the use or threat of physical force to another. Examples: homicide, rape, robbery, kidnapping, false imprisonment, felony aggravated battery inflicting great bodily harm, and aggravated assault with a firearm or motor vehicle. For this policy, any crime involving the display or use of a firearm, including misdemeanors involving firearms, is a violent felony.

## 2: Guidelines and Consideration

- A: Pursuit must be considered as a potentially dangerous act, for the officer, the suspect and the general public. When a police officer initiates pursuit of a fleeing vehicle, they may have a tendency to consider only themselves and the occupants of the fleeing vehicle. This is not adequate.
- B: It must be remembered that other citizens using public highways do not expect their travel to be interrupted by a high-speed chase and may become involved in an accident due to over-reaction. Also, children playing on the side of a street are likely to be drawn toward a police vehicle with the emergency lights and siren activated.
- C: In order to diminish the likelihood of a pursuit, officers intending to stop a vehicle should, whenever possible, be within close proximity to the violator's vehicle before activating the police vehicle's emergency lights to initiate a traffic stop. This practice is intended to reduce the violator's temptation to elude police contact.
- D: Officers are responsible to see that all pursuits are done in accordance with NMSA 66-7-6. Section "d" of this section is very important where it states...*"THIS SECTION DOES NOT RELIEVE THE DRIVER OF AN AUTHORIZED EMERGENCY VEHICLE FROM THE DUTY TO DRIVE WITH DUE REGARD FOR THE SAFETY OF ALL PERSONS NOR DOES IT PROTECT THE DRIVER FROM THE CONSEQUENCES OF HIS RECKLESS DISREGARD FOR THE SAFETY OF OTHERS."* Although this statute authorizes disregard of traffic regulations, this does not relieve the driver or the department from civil liability for failure to use reasonable care in such operation.

## 3: Initiating Officer's Responsibilities:

- A) The primary concern in pursuit situations is the protection and safety of all citizens and officers. Death or permanent injury to police officers or citizens can result without warning. The seriousness of the possible outcome of a pursuit demands the police officer to weigh many factors when deciding whether or not to initiate pursuit. This decision is based on known circumstances and includes, but is not limited to, the following:
1. The initiating officer has cause to believe a violent felony has been or is being committed;
  2. The initiating officer has reasonable grounds to believe that the suspect presents a clear and immediate serious threat to the safety of others;
  3. The necessity of immediate apprehension outweighs the level of inherent danger created by the pursuit;
  4. There is a possibility of apprehension;
  5. The geographic location, time of day, and present population density, taking into consideration school zones, residential streets, congested business districts, etc.;



6. Traffic and road conditions;
7. Weather conditions;
8. Condition of the police vehicle.

#### 4. Pursuit Initiation Procedures

- A. The initiating officer, once it is apparent the operator of the suspect vehicle is attempting to resist apprehension, immediately activates the police vehicle's emergency lights and siren, and continuously uses both throughout the pursuit. The officer notifies the Communications Center as soon as reasonably possible that a pursuit is underway and provides the following information:
  1. The officer, identified by call number, is in pursuit;
  2. The location, direction of travel, and the speed of the vehicle being pursued;
  3. The description of the vehicle being pursued, including the license plate number, if known;
  4. The specific reason for the pursuit, including the type of violating which initiated the pursuit;
  5. The number of occupants of the vehicle being pursued, if known.
- B. The initiating officer must then receive authorization from a field supervisor or senior patrolman in order to continue the pursuit. If authorization is not given within a reasonable amount of time, the initiating officer must terminate the pursuit. Reasonableness is based on the seriousness of the reason for the pursuit.

#### 5: Field Supervisor/Senior Patrolman's Responsibilities

- A. Upon being notified of a pursuit, the field supervisor/senior patrolman verifies the following information with the Communications Center.
  1. Identification numbers of all police vehicles involved in the pursuit;
  2. Location and direction of travel;
  3. The reason the pursuit was initiated;
  4. When no supervisor is on duty, the on-call supervisor should be notified as soon as possible by dispatch and then take control of the situation.
- B. The field supervisor/senior patrolman makes the decision to continue or terminate the pursuit and relays that information to the initiating officer. The field supervisor/senior patrolman must give authorization for the pursuit to continue.
- C. The senior patrolman will handle the supervisor's responsibilities until a supervisor can be contacted to take over that responsibility.
- D. The field supervisor/senior patrolman continuously monitors and, when appropriate, directs the pursuit, determining the merits of the pursuit based on the information available. They have the ultimate responsibility and authority for the decision to continue or terminate the pursuit.

NOTE: This does not relieve the officer(s) involved in the pursuit from exercising good judgment based on existing conditions and Department Policy and Procedure to make the decision to terminate the pursuit.

- E. The Communications Center continuously updates the field supervisor/senior patrolman and other field units of the direction and progress of the pursuit by repeating all relevant information received from the pursuit vehicles over the primary radio channel.
- F. At the conclusion of the pursuit it is the responsibility of the field supervisor/senior patrolman to ensure all paperwork is done including a Pursuit Report form.

**6: Pursuit Operation Procedures:**

- A. The initiating pursuit vehicle is responsible for the conduct of the pursuit, unless such vehicle is unable to remain close enough to the pursued vehicle to prevent losing visual contact, or becomes disabled. When a secondary pursuit vehicle replaces the initial pursuit vehicle, that vehicle becomes the primary pursuit vehicle and is responsible for the pursuit and continues in that capacity until the pursuit is terminated or the primary pursuit vehicle is again replaced. The primary pursuit vehicle retains operational responsibility for the pursuit unless relieved by the field supervisor.
- B. The authority of the primary pursuit vehicle is at all times subordinate to the command of the field supervisor.
- C. The primary pursuit vehicle provides updated information to the Communications Center concerning the direction of travel, speed and pursued vehicle's actions as such information becomes available.
- D. The primary vehicle may request the secondary vehicle to provide all communications with the Communications Center, in order to safely operate the police vehicle. If the primary pursuit vehicle is a two-man unit, the passenger operates the radio, whenever possible.
- E. An officer will not forcibly stop or attempt to forcibly stop a pursued vehicle unless authorized to do so by the supervisor directing the pursuit.

**7: Secondary Pursuit Vehicle Responsibilities:**

- A. No officer enters a pursuit without first activating the police vehicle's emergency lights and siren and notifying the Communications Center of their involvement.
- B. No officer enters a pursuit in which two police vehicles are already involved unless otherwise authorized by a field supervisor.
- C. The secondary pursuit vehicle maintains a safe distance behind the primary pursuit vehicle, but remains close enough to render back-up assistance and retain visual contact. They must avoid intersecting the path of an on-coming pursued vehicle.
- D. If the secondary pursuit vehicle assumes the primary pursuit vehicle position, they immediately notify the Communications Center.

**8: Vehicles Qualified To Enter A Pursuit**

- A. Only police vehicles equipped with emergency lights and siren are to enter a pursuit. Police vehicles not so equipped should attempt to maintain visual contact with any fleeing vehicle without using excessive speed, and provide all relevant information to the Communications Center.

***POLICE OFFICERS SHOULD NOT ENTER A PURSUIT WITH NON-SWORN PERSONNEL IN THE POLICE VEHICLE.***

9: Communications Center Responsibilities

- A. Immediately upon being advised of the initiation of a pursuit, the dispatcher operating the primary dispatch channel signifies a 10-33 (emergency radio traffic only) on the primary radio channel to notify all field units.
- B. The Communications Center, as soon as reasonably possible, notifies the field supervisor of the pursuit.
- C. The dispatcher operating the primary radio channel monitors all radio communications pertaining to the pursuit and enters all relevant information into the Computer Aided Dispatch System.
- D. The Communications Center performs relevant record and motor vehicle checks on the pursued vehicle, as the information necessary to perform such checks becomes available.
- E. Should the pursuit leave the Aztec Police Department jurisdiction, the Communications Center follows the San Juan County Law Enforcement Agencies Multi-jurisdictional Motor Vehicle Pursuit Policy relating to Communications Center Responsibilities.
- F. Should a pursuit from another jurisdiction enter the Aztec Police Department jurisdiction the Communications Center immediately notifies all field units and the field supervisor, providing all available information pertaining to the pursuit. The closest available district or traffic vehicle is dispatched to assist.

10: Multi-Jurisdictional Pursuit Operation Procedures

- A. In cases of multi-jurisdictional pursuits, officers adhere to the San Juan County Law Enforcement Agencies Multi-jurisdictional Motor Vehicle Pursuit Policy.

11: Pursuits Leaving Aztec Police Department Jurisdiction

- A. Should a vehicle from the affected jurisdiction actively enter the pursuit, the Aztec Police Department vehicles relinquish the primary pursuit vehicle position to that agency's vehicle, whenever safely possible. Participation in the pursuit by Aztec Police Department vehicles is terminated by the officer under any of the following circumstances, unless otherwise directed by the field supervisor
- B. A secondary pursuit vehicle from the affected agency enters the pursuit, unless the circumstances of the pursuit make such termination hazardous to officer safety. (The primary Aztec Police Department vehicle may proceed in a safe manner to the scene of the termination of the pursuit);
- C. Radio contact with the Communications Center or affected agency's units is lost or is unreadable;
- D. The Aztec Police Department units, unassisted by any other agencies' units, enter any area unfamiliar to them that could result in the officer being unable to notify the Communications Center of their exact location.

12: Pursuits Entering Aztec Police Department Jurisdiction

- A. Should any unit discover a pursuit initiated by another agency has entered the Aztec Police Department jurisdiction, that unit should do the following:

- a. Notify the Communications Center, providing all relevant information including the number of police vehicles actively involved in the pursuit;
- b. Enter the pursuit only if requested and the pursuit meets our criteria for a pursuit. Any non-pursuit assistance may be provided as the circumstances dictate.

13: Forcible Stopping Of Pursued Vehicles

- A. The field supervisor may make the decision to authorize the forcible stopping of a pursued vehicle. The use of a vehicle disabling device such as a tire deflator is one acceptable method of forcibly stopping a vehicle. (See Stop Stick Policy)
- B. Forcible stopping by any other means is only authorized in cases involving circumstances justifying the use of deadly force in compliance with the Aztec Police Department Use of Force policy. Forcible stopping tactics are governed by the following additional guidelines
- C. Due to the extreme and obvious dangers inherent with the use of roadblocks in pursuit situations, the setting up of roadblocks for the purpose of terminating a pursuit is prohibited;
- D. Discharging of a weapon at or from a moving vehicle is prohibited, except in cases justifying the use of deadly force in compliance with the Use of Force Policy Number 3.
- E. Once the pursuit has entered another jurisdiction, if officers from that jurisdiction enter the pursuit, Aztec officers shall cease their emergency driving, turn off emergency equipment, and follow the pursuit while observing all posted speed limits and traffic control devices.

14: Termination of the Pursuit


- A. As previously stated, the decision to terminate the pursuit rests with both the primary pursuit officer and the field supervisor.
- B. No officer or supervisor will be criticized or disciplined for their decision to terminate a pursuit based on their judgment. A pursuit should be terminated under any of the following circumstances:
  1. In the opinion of the primary pursuit officer or the field supervisor there is a clear and unreasonable danger to the officer, suspect or general public created by the pursuit which outweighs the necessity of immediate apprehension;
  2. The suspects' identity has been established to the point that later apprehension can be accomplished, and there is no longer a need for immediate apprehension;
  3. The traffic, roadway or environmental conditions create a dangerous or hazardous condition for the pursuit;
  4. The officer knows, or is reasonably certain that the pursued vehicle is operated by a juvenile, there are no conditions constituting a clear and immediate threat to the general public, such as driving while intoxicated, and the safety factors involved are considered greater than the juvenile can cope with;
  5. A person has been injured during the pursuit and no medical or police personnel are able to provide help;
  6. The pursuit vehicles are no longer in visual contact with the pursued vehicle.

7. The termination of a pursuit does not prohibit the following of a vehicle without excessive speed, or remaining in an area to reinitiate a pursuit if the opportunity and conditions permit.

15: Documentation Of The Pursuit

- A. Following the termination of all pursuits, the officer responsible for the paperwork fills out a Pursuit Report form, along with all other appropriate paperwork. This should contain:
  1. Names of all officers involved, including other agencies;
  2. Supervisor in charge of pursuit;
  3. Narrative of pursuit including how it ended;
  4. Any tactics used to stop suspect vehicle;
  5. Any damage or injury; and,
  6. Offenses for which the suspect was charged.

## SAN JUAN COUNTY LAW ENFORCEMENT

<b>Policy No:</b>	<b>Supersedes:</b> Policy dated 01/04/95	<b>Effective Date:</b> 06/09/05	<b>Page No.:</b> Page 1 of 7
<b>Subject:</b> Multi-Jurisdictional San Juan County Pursuit Policy		<b>Approved By:</b>	

### PURPOSE

To establish written guidelines governing multi-jurisdictional pursuits of motor vehicles for San Juan County Law Enforcement Agencies.

### POLICY

It is the policy of the undersigned law enforcement agencies to establish uniform procedures concerning police pursuits in San Juan County when the initiating pursuit unit, while still in pursuit, leaves their jurisdiction or enters another jurisdiction within San Juan County.

### DEFINITIONS

The following definitions apply for the purpose of this policy:

- **Pursuit** - An active attempt by a law enforcement officer, while on duty, in a marked law enforcement vehicle, to apprehend the driver or occupants of a moving vehicle who are resisting such apprehension. A visual and audible signal must be given by the officer directing the driver to stop and the driver fails to obey such direction by maintaining or increasing their speed or by ignoring the officer's attempt to stop them.
- **Pursuit Supervisor** – The supervisor from the agency that has operational control of the pursuit is responsible for command of the pursuit. As a pursuit moves into another jurisdiction and an officer from that jurisdiction takes over the primary pursuit vehicle position, the supervisor from that jurisdiction takes over responsibility and command of the pursuit.
- **Primary Pursuit Vehicle** - The police vehicle operated by the officer initiating the pursuit or another police vehicle which assumes the lead pursuit position.
- **Secondary Pursuit Vehicles** - The police vehicles which become involved in the pursuit immediately following the primary pursuit vehicle for the purpose of backup.
- **Clear and Immediate Serious Threat** - For the purpose of this policy: A threat which is present prior to the pursuit and which represents a willful disregard by the occupants of the vehicle of the rights and safety of others which reasonably places the public in imminent danger of great bodily harm or death.

## SAN JUAN COUNTY LAW ENFORCEMENT

<b>Policy No:</b> 1000-02	<b>Subject:</b> Multi-Jurisdictional Pursuit Policy	<b>Effective Date:</b> 06/09/05	<b>Page No.:</b> Page 2 of 7
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### **PROCEDURE**

#### **Officer's Responsibilities:**

The responsibility for the decision to initiate a pursuit rests with the initiating officer, who operates under strict compliance with their agency policy and Section 66-7-6 of the New Mexico State Statutes, which grants exemptions from certain traffic laws to operators of authorized emergency vehicles.

**The decision to initiate and continue a pursuit is based on known circumstances and must be continuously re-evaluated as circumstances change and information is developed. The primary concern in pursuit situations is public safety. Law enforcement vehicles actively involved in the pursuit will continuously utilize emergency lights and sirens.**

Section 29-20-4(C) of the New Mexico State Statutes is strictly adhered to when making a decision to initiate or continue a pursuit.

- (1) a law enforcement officer may initiate a high speed pursuit to apprehend a suspect who the officer has **reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others** or who the officer has **probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the high speed pursuit**;
- (2) a law enforcement officer shall not initiate or continue a high speed pursuit when the immediate danger to the officer and the public created by the high speed pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large;
- (3) when deciding whether to initiate or continue a high speed pursuit, the following factors, at a minimum, shall be taken into consideration:
  - (a) the seriousness of the offence for which the high speed pursuit was initiated;
  - (b) whether a suspect poses a clear and immediate threat of death or serious injury to others;
  - (c) road, weather, environmental and vehicle conditions;
  - (d) the amount of motor vehicle and pedestrian traffic; and
  - (e) knowledge of the suspect's identity, possible destination and previous activities that may make apprehension at a later time feasible.
- (4) no more than two law enforcement vehicles shall become actively involved in a high speed pursuit, unless specifically authorized by a supervisor.

## **SAN JUAN COUNTY LAW ENFORCEMENT**

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**Individual agency policies may have more restrictive guidelines for initiating and continuing a pursuit. In cases where this policy may conflict with an individual agency's policy or directives, the officers involved in the pursuit will comply with their agency's policy or directive.**

The officer notifies the Communications Center as soon as reasonably possible that a pursuit is underway and provides the following information:

- The officer, identified by call number, is in pursuit.
- The location, direction of travel, and the speed of the vehicle being pursued.
- The description of the vehicle being pursued, including the license plate number, if known.
- The specific reason for the pursuit, including the justification for the pursuit. At least one of the state mandated criteria must exist.
- The number and description of occupants of the vehicle being pursued, if known.

### **Agency Responsibilities:**

No law enforcement agency is obligated, under this policy, to participate or continue to participate in any pursuit initiated by any other law enforcement agency. Individual agency policies may contain additional guidelines that might preclude officers from that agency from assisting in a particular pursuit.

It is the responsibility of the initiating agency, or any other agency hearing information which may affect the decisions to continue in the pursuit, to make that information known to the other agencies involved, in an expedient manner.

Each agency is responsible for the training of their personnel in the purpose, procedures and scope of this policy.



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### **Request for Assistance from another Agency:**

**The Pursuit Supervisor has the responsibility of determining if a pursuit should continue into another jurisdiction. The pursuing officer does not make presumptions on this matter.**

If it is determined that the pursuit should be continued into another agency's jurisdiction the Pursuit Supervisor notifies the Communications Authority that they are requesting assistance from the agency whose jurisdiction the pursuit is entering.

Normally, if a pursuit is continued into another jurisdiction, as soon as a police vehicle from that jurisdiction enters the pursuit, the officer relinquishes the primary pursuit vehicle position to that agency's vehicle, whenever safely possible. The jurisdiction where the pursuit is taking place has the option of taking the command responsibility for the pursuit while the pursuit remains in their jurisdiction.

Any agency may elect not to become actively involved in the pursuit and will notify the Pursuit Supervisor of this information and the level of assistance that will be provided. Any agency that is not actively involved while a pursuit is in their jurisdiction will attempt to provide indirect assistance if possible. This may include providing information, traffic control, and coordinating backup for the officers actively involved. If this is the case, the Pursuit Supervisor retains command of the pursuit. The supervisor from any agency not actively involved may also coordinate with the Pursuit Supervisor to set up roadblocks or tire deflation devices if appropriate.

**The Pursuit Supervisor makes the decision as to how many officers continue to be involved in the pursuit.**

### **Communications Authority Responsibilities:**

Immediately upon being advised of the initiation of a pursuit, the dispatcher operating the primary dispatch channel signifies a 10-33 (emergency radio traffic only) on the primary radio channel. Upon approaching adjoining jurisdictions, that jurisdiction is alerted on their primary channel of the approaching pursuit.

The Communications Authority, as soon as reasonably possible, notifies all agency field supervisors of the pursuit and what channel the pursuit is operating on.

The Communications Authority monitors all radio communications pertaining to the pursuit and enters all relevant information into the Computer Aided Dispatch System.

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The Communications Authority also performs relevant record and motor vehicle checks on the pursued vehicle, as the information becomes available.

The Communications Authority determines the most appropriate radio channel to operate on based on factors including volume of radio traffic and radio coverage. The Communications Authority may request all units change to a designated channel if appropriate.

### **Termination of the Pursuit:**

The decision to terminate the pursuit may be made by either the officer operating the primary pursuit vehicle or the Pursuit Supervisor; however the pursuit supervisor has authority to over-ride an officer's decision to terminate.

The officer and the supervisor are neither criticized nor disciplined for their decision to terminate a pursuit based on their judgment. A pursuit should be terminated under any of the following circumstances:

- In the opinion of the officers actively involved in the pursuit, the Pursuit Supervisor, or any supervisor in a jurisdiction where the pursuit is operating or is approaching, there is a clear and unreasonable danger to the public, officer, or the suspect, created by the pursuit, which outweighs the necessity of immediate apprehension.
- The suspect's identity has been established to the point that later apprehension can be accomplished, and there is no longer a need for immediate apprehension.
- The traffic, roadway, pedestrians, or environmental conditions create an unreasonably dangerous or hazardous condition for the pursuit.
- The pursuit vehicles are no longer in visual contact with the pursued vehicle.

### **Apprehension of Suspects:**

If possible, the policy of the agency with operational control at the time the pursuit is ended is followed with regard to taking suspects into custody and the disposition of passengers.

In the event the initiating agency is not present at the termination point, a representative should be sent to the scene whenever possible.

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Prisoners may be turned over to the initiating agency or the agency where the most serious offense occurred except in cases where the arrest is made in another state or on an Indian Reservation. In these cases, the agency with jurisdiction will take custody of prisoners and an arrest warrant/extradition will be needed to return prisoners to San Juan County.

### **Follow-Up Procedures:**

In cases involving multi-jurisdictional felony charges, the San Juan County District Attorney's Office should be contacted to assist in charging determinations.

Processing of any evidence is conducted by the appropriate agency based on charging determinations.

Incident reports will be written by each agency involved to document their officer's involvement. These reports will be made available to the other involved agencies.

Press releases will normally be made by the agency filing charges.

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**SIGNATURE PAGE**

ON FILE

\_\_\_\_\_  
Michael Burrige, Chief  
Farmington Police Department

\_\_\_\_\_  
Andrew Standley, Chief  
Bloomfield Police Department

\_\_\_\_\_  
Michael Heal, Chief  
Aztec Police Department

\_\_\_\_\_  
Bob Melton, Sheriff  
San Juan County Sheriff's Office

\_\_\_\_\_  
Noe Galvan, Captain  
District 10 Commander  
New Mexico State Police